

08.02.13.07 Commercial Charter Boat and Fishing Guide License Suspension

Schedule.

A. Any person authorized to guide fishing parties in any capacity shall be notified that their entitlement to guide fishing parties may be subject to suspension or revocation whenever that person has been convicted of violating any of the provisions cited in COMAR 08.02.13.08(D-F).

B. The Department may agree to a period of suspension with a licensee before proceeding to a contested case hearing. However, if the Department cannot agree to a period of suspension with a fishing guide, the Department shall schedule the fishing guide for a contested case hearing to be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04 whenever the Department seeks to suspend a fishing guide's entitlement to guide fishing parties.

C(1) The suspension schedule in §C(3) of this regulation establishes the maximum number of days that a fishing guide's entitlement to guide fishing parties may be suspended through the accumulation of points. A lesser penalty may be imposed at the Department's discretion if the circumstances warrant it, to include consideration of the fishing guide's:

(i) Disciplinary record;

(ii) Willingness to comply with any conditions that the Department may reasonably require; and

(iii) Other Mitigating Circumstance here.

(2) Points are assigned to convictions by tier as follows

<u>Tier</u>	<u>Description</u>	<u>Points</u>
<u>(a) Tier I</u>	<u>A conviction of a basic violation of Title 4 of the Natural Resources Article or regulations adopted under Title 4.</u>	<u>5</u>
<u>(b) Tier II</u>	<u>A violation that impacts a fishery resource in need of special protection or demonstrates a disregard for the law.</u>	<u>10</u>
<u>(c) Tier III</u>	<u>A serious violation that significantly impacts the fishery resource or demonstrates a willful intent to break the law.</u>	<u>15</u>

(3) A fishing guide who in any two-year period accumulates the number of points provided below shall be penalized in accordance with the following schedule:

<u>Number of Points Accumulated in Any Two-Year Period</u>	<u>Maximum Period of Suspension or Revocation</u>
<u>10</u>	<u>30 days</u>
<u>15</u>	<u>60 days</u>
<u>20</u>	<u>90 days</u>
<u>25</u>	<u>6 months</u>
<u>30</u>	<u>1 year</u>
<u>35</u>	<u>Revocation</u>

(4) The Department shall administer the point system in order to:

(a) Deter future wrongdoing; and

(b) Conserve fisheries.

(5) A fishing guide who receives a third suspension of an entitlement to guide fishing parties within a 6-year period may have any authorization to guide fishing parties issued by the Department revoked for up to 5 years.

E. A person whose entitlement to guide fishing parties has been suspended or revoked may not guide fishing parties. The specific prohibitions during a period of suspension shall be specified by the Department in a settlement agreement or a final decision in a contested case.

08.02.13.08 Charter Boat/Fishing Guide Point Assignment Schedule.

A. The Department shall maintain a record of the convictions accumulated by fishing guides for violations of offenses chargeable under Natural Resources Article, Title 4, Annotated Code of Maryland. For each conviction of a chargeable offense listed in §§ D-F of this Regulation, the Department shall enter on the record of the fishing guide the number of points listed for that particular conviction. Points accumulated under this regulation only apply to the suspension or revocation of a fishing guide's entitlement to guide fishing parties.

B. The number of points specified in §§ D-F of this regulation shall be assessed against a fishing guide for each conviction.

C. Points will only be assessed for violations that occurred during a guided fishing trip, unless otherwise noted in the table below by the phrase "points assessed for all

violations.” In which case, points will be assessed for the conviction irrespective of whether the fishing guide was guiding a fishing party.

D. Tier I. The following violations are Tier I violations. A fishing guide who receives a single conviction for a Tier I violation receives 5 points and is not eligible for an immediate suspension based on the violation.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION</u>
<u>08.02.03.10E</u>	<u>Possession of Female Crabs : 6-10 per Bushel</u>
<u>08.02.03.10</u>	<u>Crabs - Daily Catch Limit</u>
<u>08.02.03.11B.</u>	<u>Time for Catching Crabs</u>
<u>08.02.11.03F</u>	<u>Keeping/Possessing Trout in Delayed Harvest Areas During Prohibited Times</u>
<u>08.02.03.12B(2)</u>	<u>Crabs- Daily Catch Limit - Worcester County</u>
<u>08.02.05.05</u>	<u>Possession or Sale of American Shad: 1 fish</u>
<u>08.02.05.06</u>	<u>Possession or Sale of Hickory Shad: 1 fish</u>
<u>08.02.05.10A</u>	<u>Size Limits – Bluefish: 1 fish</u>
<u>08.02.05.10B</u>	<u>Daily Catch Limits – Bluefish: 1 fish</u>

<u>08.02.05.12A(1)</u>	<u>Size Limits - Summer Flounder:</u> <u>1 fish</u>
<u>08.02.05.12A(2)</u>	<u>Daily Catch Limits - Summer Flounder:</u> <u>1 fish</u>
<u>08.02.05.13A(1)</u>	<u>Size Limits - Weakfish & Spotted Seatrout:</u> <u>1 fish</u>
<u>08.02.05.13B(1)</u>	<u>Daily Catch Limits - Weakfish or Spotted Sea Trout:</u> <u>1 fish</u>
<u>08.02.05.14A#1</u>	<u>Size Limits - Spanish Mackerel:</u> <u>1 fish</u>
<u>08.02.05.14B</u>	<u>Daily Catch Limits - Spanish Mackerel:</u> <u>1 fish</u>
<u>08.02.05.15A[#1]</u>	<u>Size Limits - Black Drum:</u> <u>1 fish</u>
<u>08.02.05.15B</u>	<u>Daily Catch Limit - Black Drum:</u> <u>1 fish</u>
<u>08.02.05.16A(1)</u>	<u>Size Limits - Red Drum:</u> <u>1 fish</u>
<u>08.02.05.16A(2)</u>	<u>Daily Catch Limits - Red Drum:</u> <u>1 fish</u>
<u>08.02.05.18A(1)</u>	<u>Size Limits – Croaker:</u> <u>3 fish</u>
<u>08.02.05.18B</u>	<u>Daily Catch Limit - Croaker</u> <u>3 fish</u>

<u>08.02.05.19A</u>	<u>Size Limits - Black Bass</u> <u>(Largemouth and Smallmouth):</u> <u>1 fish</u>
<u>08.02.05.19B</u>	<u>Daily Catch Limit - Black Bass</u> <u>(Largemouth and Smallmouth) :</u> <u>1 fish</u>
<u>08.02.05.20A(1)</u>	<u>Size Limits – Tautog:</u> <u>1 fish</u>
<u>08.02.05.20A(2)</u>	<u>Possession Limit - Tautog:</u> <u>1 fish</u>
<u>08.02.05.21A(1)</u>	<u>Size Limits - Black Sea Bass:</u> <u>3 fish</u>
<u>08.02.05.21A(2)</u>	<u>Catch Limits - Black Sea Bass:</u> <u>3 fish</u>
<u>08.02.05.22A(1)</u>	<u>Size Limits - Scup – Recreational:</u> <u>5 fish</u>
<u>08.02.05.22C(3)</u>	<u>Catch Limit – Scup:</u> <u>5 fish</u>
<u>08.02.05.28</u>	<u>Size Limits - Walleye: 1</u>
<u>08.02.05.28</u>	<u>Catch Limits - Walleye: 1</u>
<u>08.02.15.09B</u>	<u>Daily Catch Limit - Striped Bass -</u> <u>Summer Season - Chesapeake: 1</u> <u>Fish</u>
<u>08.02.15.09A</u>	<u>Size Limits - Striped Bass - Summer</u> <u>and Fall Season : 1 Fish</u>
<u>08.02.15.09B</u>	<u>Size Limits – Striped Bass – Summer</u>

	<u>and Fall Season : 1 Fish</u>
<u>08.02.15.10B</u>	<u>Daily Catch Limit - Striped Bass – Summer and Fall Season – Potomac River Tributaries:1 Fish</u>
<u>08.02.15.10C</u>	<u>Size Limits - Striped Bass – Summer and Fall Season : 1 Fish</u>
<u>08.02.21.02B</u>	<u>Size limits– Yellow Perch: 1 Fish</u>
<u>08.02.21.02C</u>	<u>Daily Catch Limit– Yellow Perch: 1 Fish</u>

E. Tier II. The following violations are Tier II violations. A fishing guide who receives a single conviction for a Tier II violation receives 10 points and may be suspended for 30 days.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION</u>
<u>08.02.03.10E</u>	<u>Possession of Female Crabs: 11-15 per Bushel</u>
<u>08.02.05.13D</u>	<u>Taking Weakfish During a Closed Season: 1 fish</u>
<u>08.02.11.03M</u>	<u>Zero Creel Limit Trout Fishing Areas</u>
<u>08.02.11.04C(2)(a)(i)</u>	<u>Exceeding Trout Creel Limits in Put and Take Areas</u>
<u>08.02.11.04C(2)(a)(ii)</u>	<u>Exceeding Trout Creel Limits in Other Areas</u>

<u>08.02.11.04C (2)</u>	<u>Exceeding Daily Catch or Possession Limits - Nontidal</u>
<u>08.02.15.09A</u>	<u>Daily Catch Limit – Striped Bass – Early Season: 1 Fish</u>
<u>08.02.15.09B</u>	<u>Daily Catch Limit - Striped Bass - Summer Season - Chesapeake: 2 Fish</u>
<u>08.02.15.09A</u>	<u>Size Limits - Striped Bass - Summer and Fall Season : 2 Fish</u>
<u>08.02.15.09B</u>	<u>Size Limits – Striped Bass – Summer and Fall Season : 2 Fish</u>
<u>08.02.15.10B</u>	<u>Daily Catch Limit - Striped Bass – Summer and Fall Season – Potomac River Tributaries: 2 Fish</u>
<u>08.02.15.10C</u>	<u>Size Limits - Striped Bass – Summer and Fall Season : 2 Fish</u>
<u>08.02.15.11A</u>	<u>Size Limits - Striped Bass - Atlantic Ocean and Coastal Bays : 1 Fish</u>
<u>08.02.15.11B</u>	<u>Daily Catch Limit - Striped Bass - Atlantic Ocean and Coastal Bays: 1 Fish</u>
<u>08.02.15.11A</u>	<u>Size Limits - Striped Bass - Atlantic Ocean and Coastal Bays : 1 Fish</u>
<u>08.02.15.11B</u>	<u>Daily Catch Limit - Striped Bass - Atlantic Ocean and Coastal Bays: 1 Fish</u>
<u>08.02.05.05</u>	<u>Possession or Sale of American Shad:</u>

	<u>2 fish</u>
<u>08.02.05.06</u>	<u>Possession or Sale of Hickory Shad:</u> <u>2 fish</u>
<u>08.02.05.10A</u>	<u>Size Limits – Bluefish:</u> <u>2 fish</u>
<u>08.02.05.10B</u>	<u>Daily Catch Limits – Bluefish:</u> <u>2 fish</u>
<u>08.02.05.12A(1)</u>	<u>Size Limits - Summer Flounder:</u> <u>2 fish</u>
<u>08.02.05.12A(2)</u>	<u>Daily Catch Limits - Summer</u> <u>Flounder:</u> <u>2 fish</u>
<u>08.02.05.13A(1)</u>	<u>Size Limits - Weakfish & Spotted</u> <u>Seatrout:</u> <u>2 fish</u>
<u>08.02.05.13B(1)</u>	<u>Daily Catch Limits - Weakfish or</u> <u>Spotted Sea Trout:</u> <u>2 fish</u>
<u>08.02.05.14A#1</u>	<u>Size Limits - Spanish Mackerel:</u> <u>2 fish</u>
<u>08.02.05.14B</u>	<u>Daily Catch Limits - Spanish</u> <u>Mackerel:</u> <u>2 fish</u>
<u>08.02.05.15A[#1]</u>	<u>Size Limits - Black Drum:</u> <u>2 fish</u>
<u>08.02.05.15B</u>	<u>Daily Catch Limit - Black Drum:</u> <u>2 fish</u>

<u>08.02.05.16A(1)</u>	<u>Size Limits - Red Drum:</u> <u>2 fish</u>
<u>08.02.05.16A(2)</u>	<u>Daily Catch Limits - Red Drum:</u> <u>2 fish</u>
<u>08.02.05.18A(1)</u>	<u>Size Limits – Croaker:</u> <u>4-6 fish</u>
<u>08.02.05.18B</u>	<u>Daily Catch Limit - Croaker</u> <u>4-6 fish</u>
<u>08.02.05.19A</u>	<u>Size Limits - Black Bass</u> <u>(Largemouth and Smallmouth):</u> <u>2 fish</u>
<u>08.02.05.19B</u>	<u>Daily Catch Limit - Black Bass</u> <u>(Largemouth and Smallmouth) :</u> <u>2 fish</u>
<u>08.02.05.20A(1)</u>	<u>Size Limits – Tautog:</u> <u>2 fish</u>
<u>08.02.05.20A(2)</u>	<u>Possession Limit - Tautog:</u> <u>2 fish</u>
<u>08.02.05.21A(1)</u>	<u>Size Limits - Black Sea Bass:</u> <u>4-6 fish</u>
<u>08.02.05.21A(2)</u>	<u>Catch Limits - Black Sea Bass:</u> <u>4-6 fish</u>
<u>08.02.05.22A(1)</u>	<u>Size Limits - Scup – Recreational:</u> <u>6-9 fish</u>
<u>08.02.05.22C(3)</u>	<u>Catch Limit – Scup:</u> <u>6-9 fish</u>
<u>08.02.05.28</u>	<u>Size Limits - Walleye: 2</u>

<u>08.02.05.28</u>	<u>Catch Limits - Walleye: 2</u>
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F. Tier III. The following violations are Tier III violations. A fishing guide who receives a single conviction for a Tier III violation receives 15 points and may be suspended for 60 days.

<u>STATUTE OR REGULATION</u>	<u>DESCRIPTION</u>
<u>4-205.1(h)</u>	<u>Interferences With the Abatement of a State of Nuisance</u>
<u>4-2A-05</u> <u>points assessed for all violations</u>	<u>Possession of Endangered Fish Species Without a Permit</u>
<u>4-503</u> <u>points assessed for all violations</u>	<u>Dynamiting Streams</u>
<u>4-505</u> <u>points assessed for all violations</u>	<u>Removing Fish, Nets or Gear of Another</u>
<u>4-511</u>	<u>Interference with State Buoys, Markers or Monuments</u>
<u>4-733</u>	<u>Possessing Fish Whose Size or Weight Cannot Be Determined</u>
<u>4-11A-15</u>	<u>Engaging in a Prohibited Act on an Aquaculture or Submerged Land Lease Area</u>
<u>08.02.03.11C</u>	<u>Crabbing During a Closed Season</u>
<u>08.02.03.10E</u>	<u>Possession of Female Crabs: Over 16 per Bushel</u>
<u>08.02.05</u>	<u>Season Violations - Finfish - Tidal Waters</u>
<u>08.02.05.01A</u>	<u>Unlawfully Fishing with a Spear Gun</u>

<u>08.02.05.01B</u>	<u>Unlawfully Fishing with a Bow and Arrow</u>
<u>08.02.05.01C</u>	<u>Fish Snagging - Tidal Waters</u>
<u>08.02.05.05</u>	<u>Possessing American Shad: 3 or more Fish</u>
<u>08.02.05.06</u>	<u>Possessing Hickory Shad: 3 or more Fish</u>
<u>08.02.05.10A</u>	<u>Size Limits – Bluefish: 3 or more fish:</u>
<u>08.02.05.10B</u>	<u>Daily Catch Limits – Bluefish: 3 or more fish</u>
<u>08.02.05.12A(1)</u>	<u>Size Limits - Summer Flounder: 3 or more fish</u>
<u>08.02.05.12A(2)</u>	<u>Daily Catch Limits - Summer Flounder: 3 or more fish</u>
<u>08.02.05.13A(1)</u>	<u>Size Limits Spotted Sea Trout: 3 or more fish</u>
<u>08.02.05.13A(2)</u>	<u>Size Limits - Weakfish: 3 or more fish</u>
<u>08.02.05.13B(1)</u>	<u>Daily Catch Limits - Weakfish or Spotted Sea trout: 3 or more fish</u>
<u>08.02.05.14A#1</u>	<u>Size Limits - Spanish Mackerel: 3 or more fish</u>
<u>08.02.05.14B</u>	<u>Daily Catch Limits - Spanish</u>

	<u>Mackerel:</u> <u>3 or more fish</u>
<u>08.02.05.15A[#1]</u>	<u>Size Limits - Black Drum:</u> <u>3 or more fish</u>
<u>08.02.05.15B</u>	<u>Daily Catch Limit - Black Drum:</u> <u>3 or more fish</u>
<u>08.02.05.16A(1)</u>	<u>Size Limits - Red Drum:</u> <u>3 or more fish</u>
<u>08.02.05.16A(2)</u>	<u>Daily Catch Limit - Red Drum:</u> <u>3 or more fish</u>
<u>08.02.05.18A(1)</u>	<u>Size Limits – Croaker:</u> <u>7 or more fish:</u>
<u>08.02.05.18B</u>	<u>Daily Catch Limit - Croaker</u> <u>7 or more fish</u>
<u>08.02.05.19A</u>	<u>Size Limits - Black Bass</u> <u>(Largemouth and Smallmouth):</u> <u>3 or more fish</u>
<u>08.02.05.19B</u>	<u>Daily Catch Limit - Black Bass</u> <u>(Largemouth and Smallmouth):</u> <u>3 or more fish</u>
<u>08.02.05.19C(1)</u>	<u>Black Bass - Gear Restrictions</u> <u>(Largemouth and Smallmouth):</u>
<u>08.02.05.20A(1) #1</u>	<u>Size Limits – Tautog:</u> <u>3 or more fish</u>
<u>08.02.05.20A(2)</u>	<u>Catch Limit-- Tautog</u> <u>3 or more fish</u>

<u>08.02.05.21A(1)</u>	<u>Size Limits - Black Sea Bass:</u> <u>3 or more fish</u>
<u>08.02.05.21A(2)</u>	<u>Catch Limit - Black Sea Bass:</u> <u>3 or more fish</u>
<u>08.02.05.22A(1)</u>	<u>Size Limits - Scup:</u> <u>10 or more fish</u>
<u>08.02.05.22C(3)</u>	<u>Catch Limit – Scup:</u> <u>10 or more fish</u>
<u>08.02.05.23B(1)</u>	<u>Daily Catch Limit - Bluefin Tuna</u>
<u>08.02.05.23B(2)</u>	<u>Size Limit - Bluefin Tuna</u> -
<u>08.02.05.23C(1)</u>	<u>Failing to Report Bluefin Tuna</u> <u>Catch to Reporting Station</u>
<u>08.02.05.23C(2)</u>	<u>Failing to Obtain/Affix Bluefin Tuna</u> <u>Tail Tag</u> -
<u>08.02.05.23D</u>	<u>Possession/Landing Bluefin Tuna</u> <u>That is not Whole</u>
<u>08.02.05.26C(1)</u>	<u>Daily Catch Limit - Billfish</u>

<u>08.02.05.26C(2)</u>	<u>Size Limit - Billfish</u>
<u>08.02.05.26D(1)</u>	<u>Failing to Report Billfish Catch to a Landing Station</u>
<u>08.02.05.26D(2)</u>	<u>Failing to complete Billfish Catch Information</u>
<u>08.02.05.26D(3)</u>	<u>Fail to Obtain/Affix a Billfish Tail Tag</u>
<u>08.02.05.26E</u>	<u>Billfish Landing Restrictions</u>
<u>08.02.05.27C(1)</u>	<u>Daily Catch Limit - Swordfish</u>
<u>08.02.05.27C(2)</u>	<u>Size Limit- Swordfish</u>
<u>08.02.05.27D(1)</u>	<u>Failing to Report Swordfish Catch to a Landing Station</u>
<u>08.02.05.27D(2)</u>	<u>Failing to Complete Swordfish Catch Information</u>

<u>08.02.05.27D(3)</u>	<u>Fail to Obtain/Affix a Swordfish Tail Tag</u>
<u>08.02.05.27E</u>	<u>Swordfish Landing Restrictions</u>
<u>08.02.05.28</u>	<u>Size Limits - Walleye: 3 or more fish</u>
<u>08.02.05.28</u>	<u>Catch Limits - Walleye: 3 or more fish</u>
<u>08.02.11.01B</u>	<u>Fishing in a Put and Take Trout Stream During a Closed Season</u>
<u>08.02.11.03A(2)(a)(i)</u>	<u>Possession of Trout While Fishing in a Catch and Return Area</u>
<u>08.02.11.03F</u>	<u>Using or Possessing Illegal Gear in a Delayed Harvest Areas</u>
<u>08.02.11.03K</u>	<u>Keeping Black Bass Caught in a Catch-and-Return Black Bass Area</u>
<u>08.02.11.04C(1)(d) & (e)</u>	<u>Taking/Possessing Bass During Closed Season</u>
<u>08.02.11.04C(1) (a)-(m)</u>	<u>Season Violations - Nontidal Waters</u>
<u>08.02.15.12A</u>	<u>Methods of Removing Striped Bass from the Water</u>
<u>08.02.15.12 B(2)(b)</u>	<u>Prohibitions on Culling Striped Bass</u>
<u>08.02.15.12 C</u>	<u>Striped Bass Filleting Violations</u>
<u>08.02.21.02B</u>	<u>Size limits– Yellow Perch: 11+ Fish</u>

<u>08.02.21.02C</u>	<u>Daily Catch Limit– Yellow Perch: 11+ Fish</u>
<u>08.02.22.02A</u>	<u>Possessing Prohibited Shark Species - Recreational</u>
<u>08.02.22.02C</u>	<u>Size Limits for Designated Shark Species— Recreational</u>
<u>08.02.22.02D</u>	<u>Daily Catch Limit— Sharks</u>
<u>08.02.22.02E</u>	<u>Gear Restrictions— Sharks</u>

G. A fishing guide who receives a single conviction for one of the following violation receives 15 points and may be suspended for 365 days.

<u>4-210</u>	<u>Unlicensed Commercial Fishing Guide (Tidal)</u>
<u>4-210.1</u>	<u>Unlicensed Commercial Fishing Guide (Non-Tidal)</u>
<u>4-701(b)(4)</u>	<u>Failure to Obtain a Tidal Fish License for Commercial Activity</u>
<u>4-731</u> <u>points assessed for all violations</u>	<u>Unlawfully Selling Striped Bass</u>
<u>4-1004(a)</u>	<u>Taking Oysters or Clams for Commercial Purposes Without a License</u>
<u>08.02.03.14A(3)</u> <u>points assessed for all violations</u>	<u>Offering to Sell or Selling Recreationally Caught Crabs</u>

<u>08.02.03.14A(4)</u> <u>points assessed for all violations</u>	<u>Knowingly Buying or Attempting to Buy Recreationally Caught Crabs</u>
<u>08.02.05.11</u>	<u>Taking/Possessing Sturgeon</u>
<u>08.02.05.19D(1)</u>	<u>Possessing Black Bass for Commercial Purposes</u>
<u>08.02.05.23A</u>	<u>Possessing Bluefin Tuna During a Closed Season</u> -
<u>08.02.05.24A</u>	<u>Taking Spiny Dogfish During a Closed Season</u>
<u>08.02.05.24B</u>	<u>Spiny Dogfish Finning Violation</u> -
<u>08.02.05.25</u>	<u>Taking Monkfish During Closed Season</u> -
<u>08.02.05.26B</u>	<u>Catch or Posses Billfish During a Closed Season</u>
<u>08.02.05.27B</u>	<u>Catch or Possess Billfish During a Closed Season</u>

<u>08.02.12.02A</u>	<u>Taking, Possessing, Transporting, Exporting, Processing, Selling, Offering for Sale, Delivering, Carrying, or Shipping any Fish Listed as Endangered or Threatened</u>
<u>08.02.15</u>	<u>Possession of Stripped Bass During a Closed Season</u>
<u>08.02.22.02B</u>	<u>Season Violations for Designated Shark Species</u>
<u>08.02.22.02F(4)</u>	<u>Failing to Land Shark with Head, Tail and Fins Attached</u>
<u>08.02.22.04A</u>	<u>Shark Filleting or Finning Violation</u>
<u>08.02.05</u>	<u>Season Violations - Finfish - Tidal Waters: 10+ Fish</u>